

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-10477-GAO

ANDREA CASULA, on behalf of herself and all others similarly situated,
Plaintiff,

v.

ATHENAHEALTH, INC., JONATHAN BUSH, and CARL B. BYERS,
Defendants.

ORDER

June 3, 2010

O'TOOLE, D.J.

Waterford Township General Employees Retirement System ("Waterford GERS") has moved pursuant to Section 21(d)(A)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(3)(B), for an order appointing it as Lead Plaintiff in this action on behalf of purchasers of athenahealth, Inc. securities and for approval of its selection of the law firm of Robbins Geller Rudman & Dowd LLP as Lead Counsel and Hutchings, Barsamian, Mandelcorn & Zeytoonian LLP as Liaison Counsel.

Waterford GERS has demonstrated that it is the "most adequate plaintiff" according to the factors set forth in 15 U.S.C. § 78u-4(a)(3)(B). The other party who filed a similar motion, Cindy Katzoff, has since acknowledged that she does not possess the largest financial interest in this litigation. Accordingly, the Motion of Waterford Township General Employees Retirement System for Appointment as Lead Plaintiff and Approval of Selection of Counsel (dkt. no. 12) is GRANTED. The Motion by Cindy Katzoff for Appointment as Lead Plaintiff and Approval of Her Selection of Lead Counsel (dkt. no. 10) is DENIED.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge